

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0758

Date registered valid: 1 December 2022

Proposal: Discharge of condition no. 26 (sports pitch hours of operation) (Phase 3), no.33 (Bat and bird boxes) (all phases), no.34 (hedgehog boxes) (all phases) attached to planning permission referenced 124268/FO/2019

Address: Manchester College Of Arts And Technology, Ashton Old Road, Manchester, M11 2WH

Ward(s): Clayton & Openshaw Ward

Applicant: Mr Niall Wright, LTE Group

Agent (if any): Planning Ellis Williams Architects

Case officer: Sue Wills
Tel: 0161 234 4524
Email: sue.wills@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 25th January 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 21 December 2022

Expired: 11 January 2023

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Description of development

Following clarification and discussions with the planning agent, that conditions no.2,12,15,17, 18, 24, and 25 relating to Phase 1 and 2 of the development formed part of an earlier application ref: CDN/22/0714, and were approved in regards to phases 1 and 2 on 7th June 2022. Furthermore, that condition no.15 relation to phase 3 was considered as part of CDN/22/0086 and approved on 5th July 2022. Subsequent confirmation has been received that consent is only sought for discharge of condition no.26 (Hours of use of the Sports pitch) in relation to phase 3 of the development and condition nos. 33 and 34 in regard to all three phases of the development at this time.

Consultations & Notification Responses

Environmental Health- have made the following comments.

Condition 15 (external lighting)

They have no objection to the discharge of this condition.

Condition 17 (glare)

The submitted information states that the "proposed luminaries will not contribute to Light Pollution and follows the guidance of "Dark Skies"". Whilst this statement of intent is not disputed, it is not clear from the condition wording that it may be fully discharged, therefore they leave this to the judgement of the LPA.

Condition 24 (deliveries)

Have no objection to the discharge of this condition.

Condition 25 (hours)

Have no objection to the discharge of this condition.

Condition 26 (hours sports pitch)

Have no objection to the discharge of this condition.

GMEU -have no objection to the (partial) discharge of Condition 33 (bird & bat boxes) and 34 (hedgehog boxes) attached to planning permission 124268/FO/2019. The bird boxes/bat boxes should be fitted to the property and the hedgehog boxes placed as per drawing GA-A-19450 prior to habitation and once in place the condition can be discharged in full.

Highway Services –For condition 12, the submitted cycle storage proposals are sufficient to allow them to recommend the discharge of this condition from a highway perspective.

For condition 15, the submitted external lighting proposals are sufficient to allow them to recommend the discharge of this condition from a highway perspective.

For condition 24, the submitted delivery and servicing time proposals are sufficient to allow them to recommend the discharge of this condition from a highway perspective.

Issues

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

Condition 26 (Sports pitch hours of operation)

The hours of operation for the Sports Pitch within Phase 3 of the development set out below are considered to be acceptable

8am -10.30pm Mondays to Sundays

On the basis that the use of the external sport pitch is in accordance with the hours detailed above, condition no.26 is discharged.

Condition no.33 (Bat and bird boxes)

The details of the type and location of the proposed 1no. bat box, 5no bat tubes, 3 bird nest boxes and 1 no. sparrow terrace as shown on BREEAM Landscape Ecology plan ref :OC-EWA- ZZ- 00- GA- A- 19450 rev.P0 have been examined and are considered to be satisfactory.

On the basis that the development is implemented in accordance details with BREEAM Landscape Ecology plan ref :OC- EWA- ZZ- 00- GA- A- 19450 rev.P0, prior to the occupation of the teaching accommodation approved , condition no.33 is discharged.

Condition no.34 (hedgehog boxes)

The details of the type and location of the proposed 2no. hedgehog boxes, as shown on BREEAM Landscape Ecology plan ref :OC- EWA- ZZ- 00- GA- A- 19450 rev.P0 have been examined and are considered to be satisfactory.

On the basis that the development is implemented in accordance details with BREEAM Landscape Ecology plan ref :OC- EWA- ZZ- 00- GA- A- 19450 rev.P0, prior to the occupation of the teaching accommodation approved , condition no.34 is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Urban Design & Conservation
Greater Manchester Police
Greater Manchester Ecology Unit

Appendix 2 – Planning constraints

[illegible]